

[*Bricker v. Bechtel Hanford Inc.*, 96-ERA-35 \(ALJ May 15, 1997\)](#)
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U.S. Department of Labor
Office of Administrative Law Judges
50 Fremont Street, Suite 2100
San Francisco, CA 94105

DATE: May 15, 1997

CASE NO.: 96-ERA-35

IN THE MATTER OF

BILL BRICKER
COMPLAINANT,

v.

BECHTEL HANFORD, INC./
TMA HANFORD, INC.
RESPONDENTS.

RECOMMENDED DECISION AND ORDER APPROVING SETTLEMENT

The above-captioned matter arises under the Energy Reorganization Act, 42 U.S.C. §5851, and pursuant to 29 C.F.R. Part 24. On May 2, 1997 the parties filed a proposed settlement agreement that, if approved by the Secretary of Labor, would resolve all disputed issues and allow for the dismissal of this matter with prejudice.

As required by the relevant regulations and statutory provisions, I have reviewed the agreement to determine if its terms are fair, adequate and reasonable. After doing so, I conclude that the terms of the agreement are, in fact, fair, adequate and reasonable and that the agreement should therefore be approved.

It is noted that although the agreement contains confidentiality provisions, it contains no provisions which may prevent or deter the complainant from reporting any wrongdoing by the respondents to federal and state agencies or testifying about the subjects of his past complaints. It is also noted that although the parties have agreed to keep the financial terms of the agreement confidential, the agreement contemplates full disclosure of its terms to officials of the Department of Labor, the Department of Energy, and when required by a subpoena. The parties

have represented (in paragraph 8 and in the Declaration of William Bricker) that they have not entered into any other agreements with respect to the factual circumstances forming the basis of this claim. Finally, it is noted that the amounts to be paid to the complainant and his attorney are appropriate, and that, in negotiating of the terms of the agreement, all parties were represented by apparently well qualified attorneys who appear to be fully aware of all relevant facts and legal principles.

Accordingly, it is recommended:

1. That the Secretary of Labor or his designees on the Administrative Review Board approve the settlement agreement.
2. That the claim of William Bricker against each of the above-referenced respondents be dismissed with prejudice; and
3. That the settlement agreement be given such restricted handling as may be necessary to comply with the provisions of 29 C.F.R. §70.26.

ALEXANDER KARST
Administrative Law Judge

NOTICE: This Recommended Decision and Order and the administrative file in this matter have been forwarded for review by the Administrative Review Board, United States Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. The Administrative Review Board is responsible for issuing final agency decisions under the Energy Reorganization Act of 1974. See 29 C.F.R. Parts 24 and 1978, 61 Fed. Reg. 19982 (May 3, 1996).